

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT  
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA  
Title III

Case No. 17-BK-3283 (LTS)

**ORDER ON MOTION TO COMPEL**

On June 2, 2021, the Court entered an order requiring Ambac to submit a status report “detailing whether any issues raised in the Motion to Compel [Dkt. No. 16487] have been resolved [following the parties’ briefing on the Motion to Compel] and identifying the issues that remain open for resolution.” (Dkt. No. 16867). The Court also provided Milliman and AAFAF with an opportunity to respond to Ambac’s status report. On June 8, 2021, Ambac filed its status report (Dkt. No. 16904, the “Ambac Status Report”) and on June 9, 2021, Milliman

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<sup>1</sup> The Debtors in these Title III cases, along with each Debtor’s respective Title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK- 3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566 (LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), (iv) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523 (LTS)) (Last Four Digits of Federal Tax ID: 3801). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

filed its responsive status report (Dkt. No. 16914, the “Milliman Status Report”). Upon review of Milliman’s Status Report, the Court ordered Milliman to respond to specific requests for discovery contained in Ambac’s Status Report. On June 16, 2021, Milliman filed its response (Dkt. No. 17050, the “Milliman Response”).<sup>2</sup> After careful consideration of the parties’ submissions, the Court hereby ORDERS the following, tracking the document requests in paragraphs fourteen through nineteen of the Ambac Status Report:

Paragraph 14: Absent the filing of a motion for protective order by Milliman, AAFAF, or the Oversight Board, Milliman must produce the most current version of the 2018 Actuarial Valuation Report in its entirety within fourteen days of the date of this Order.

Paragraph 15: Within seven days of the date of this Order, the parties shall submit a joint proposal for redaction of personally identifiable information in the 2016-2017 electronic project files, and a schedule for production of the files. If no agreement can be reached, the parties shall submit separate proposals and the Court will decide the issue(s) raised therein on the papers.

Paragraph 16: Milliman must produce the electronic project files for the 2018 valuation in accordance with this Order, regardless of when the Actuarial Valuation Report is finally produced. Within seven days of the date of this Order, the parties shall submit a joint proposal for redaction of personally identifiable information in the electronic project files for the 2018 valuation, and a schedule for production. If no agreement can be reached, the parties shall submit separate proposals and the Court will decide the issue(s) raised therein on the papers.

Paragraph 17: Within fourteen days of the date of this Order, Milliman may either produce documents sufficient to identify its document retention policies or may produce a witness for a Rule 30(b)(6) deposition on the issues addressed in paragraph 5 of the Bowen Declaration (Dkt. No. 16734-3).

Paragraph 18: The parties shall meet and confer and provide the Court with a joint status report within seven days of the date of this Order regarding whether issues remain outstanding with respect to the documents requested in paragraph 18. If issues remain open, the parties shall submit separate proposals and the Court will decide the issue(s) raised therein on the papers.

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<sup>2</sup> The Oversight Board and Ambac both filed statements relating to the timing of the issuance of the 2018 Actuarial Valuation Report. See Dkt. No. 17043, the “FOMB Informative Motion” and Dkt. No. 17061, the “Ambac Informative Motion.”

Paragraph 19: The parties shall meet and confer and provide the Court with a joint status report within seven days of the date of this Order concerning the status of the negotiations over reasonable search parameters, and the expected date of production of responsive documents. If no agreement has been reached, the parties shall submit separate proposals and the Court will decide the issue(s) raised therein on the papers.

SO ORDERED.

/s/ Judith Gail Dein

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Judith Gail Dein

United States Magistrate Judge

Dated: June 17, 2021